

# **Murray City Municipal Council Chambers Murray City, Utah**

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**T**he Municipal Council of Murray City, Utah, met on Tuesday, the 7<sup>th</sup> day of June 2005 at 6:30 p.m., for a meeting held in the Murray City Council Chambers, 5025 South State Street, Murray, Utah.

Roll Call consisted of the following:

Krista Dunn,	Council Chair - Excused - telecommunicating
Pat Griffiths,	Council Member
Jim Brass,	Council Member - Conducted
Robbie Robertson,	Council Member
Jeff Dredge,	Council Member

Others who attended:

Daniel Snarr,	Mayor
Jan Wells,	Chief of Staff
Frank Nakamura,	City Attorney
Shannon Huff Jacobs,	Council Director
Carol Heales,	City Recorder
Doug Hill,	Public Works Director
Phil Markham,	Deputy Public Works Director
Keith Snarr,	Economic Development Director
Craig Burnett,	Deputy Chief of Police
Gary Merrill,	Power Department General Manager
Dale Whittle,	Human Resources Director
Don Whetzel,	Finance Director
Mary Ann Kirk,	Cultural Arts, Parks Department
Alan Barnett,	Historic Preservation Advisory Board
George Hamer,	Superintendent, Fleet Services
Sallie Young,	Murray Journal
Boy Scouts	Troop #617
Murray Citizens	

Mr. Brass conducted the meeting.

**A. OPENING CEREMONIES**

1. Pledge of Allegiance

Tom Henry, Murray Exchange Club

2. Approval of Minutes

Ms. Griffiths made a motion to approve minutes of May 17, 2005.

Mr. Dredge 2<sup>nd</sup> the motion.

All ayes

3. Special Recognition(s)

- a. Presentation by the Employer Support of the Guard and Reserve (ESGR) of the Five Star Recognition earned by Murray City.

Mr. Scott Baker who is with the Utah Chapter of the Employers Support of Guard and Reserve, noted they are a volunteer organization which is part of the Department of Defense. Their organization is here to support those employers, whether it is private enterprise or government, who employ our Guard and Reservist. They provide free volunteer counseling and mediation services. They try to identify entities that go above and beyond in support of our men and women in the service.

Tom Henry and Bill Rappleye will make a presentation to Murray City for their support of our men.

Mr. Henry gave a little background about the award criteria. The ESGR identifies five levels of employer commitment with five being the highest level of employer support. The five star statement of support contains the following requirements:

1. Agree to sign a statement of support publically demonstrating their support for employees who serve in the National Guard and Reserve;
2. Review their Human Resource policy to ensure compliance with the Uniform Services Employment and Re-employment Acts, known as USERA;

3. Promotes training for managers and supervisors to effectively manage their employees who serve in the National Guard and Reserve;
4. Adopt the policies and programs that are above and beyond what is required by the USERA Act;
5. Is an advocate for employee service in the National Guard and Reserve and helps to promote the mission of ESGR.

Mr. Rappleye noted that less than one percent of employers in the United States have achieved the five star level of recognition by the Department of Defense. Murray is in the one percent. He is proud to associate with great organizations like the City of Murray. This City has taken the lead by demonstrating their commitment to our National Guard and Reserve forces, which is so important. Those people are over their sometimes give their lives, certainly giving their all. It takes a toll on their families and their friends.

Murray City is one of the first governmental agencies in Utah to achieve the five star ratings. The City of Murray has fulfilled the requirements to be recognized by the Department of Defenses, a patriotic employer who has set the standard of support for all employers in the State of Utah.

The Utah Chapter of ESGR is proud to honor the City of Murray for supporting our men and women who are and have served our country.

Mr. Henry presented the award to Council Member Jim Brass, Human Resource Director Dale Whittle, and Murray City Mayor Dan Snarr.

Mayor Snarr will make sure this award is displayed where people will see it and realize that we do support those who work for our City and have or are serving in the National Guard or Reserves. It is important that the Country has become more keenly aware of the fact that the active duty status of our enlisted Reservists and National Guard have increased substantially since Desert Storm and they are involved more now than ever before in protecting the rights of our country. The part time Guard and Reservists are critical in making sure that we remain a free country.

Mr. Brass had the opportunity to participate in one of the ESGR's programs, everyone does volunteer, one thing they did find out on Armed Forces Day is ESGR had a booth, and there were several wives of Guard and Reserve members who mentioned that they were having problems getting their job back when they returned back from active duty. That still happens therefore this organization is important.

Ms. Dunn asked Mr. Whittle to review what the City does for guardsmen and reservists when they go into active duty.

Dale Whittle, Human Resource Director, noted what we have done is above and beyond what the law requires. We have established several things:

1. When an employee of the City goes on Active Duty or is called up for a particular situation, we will pay the difference between their Military pay and Murray's salary, up to 24 months.
2. The City provides on an annual basis for anyone who is involved in the Guard or Reserve, 15 days of pay that they can use when they go on their annual leave. That is in addition to any vacation.
3. The City also provides for them their health insurance up to 24 months, if they choose to keep our insurance versus taking the insurance through the military.
4. The City continues to contribute to a retirement system for four years & 401 k for them.

Mr. Brass had the Scouts and Scout Leaders who just arrived to introduce themselves, their troop and what badge they are working on.

**B. CITIZEN COMMENTS** (Comments are limited to 3 minutes unless otherwise approved by the Council.)

None

**C. CONSENT AGENDA**

1. Consider confirmation of the Mayor's appointment of Andrea Nelson to the Parks and Recreation Advisory Board, representing District 1, for a term expiring January 17, 2008.

Mr. Dredge made a motion that we confirm the Mayor's appointment to the Parks and Recreation Advisory Board.

Mr. Robertson 2<sup>nd</sup> the motion.

Call Vote Recorded by Mr. Davidson.

**AYE/NAY**

A Ms. Griffiths  
A Ms. Dunn  
A Mr. Dredge  
A Ms. Robertson  
A Ms. Brass

Motion passed unanimously.

**D. PUBLIC HEARING(S)**

**Public Hearing #1035**

**6:45**

**Consider an Ordinance adopting the  
2005-2006 Fiscal Year Budgets  
for Murray City, including the  
Library Fund Budget**

**Consider an Ordinance amending  
Section 3.04.020 of the  
Murray City Municipal Code  
relating to Capital Projects Appropriations.**

- a. Staff and sponsor presentations, public comment and discussion prior to Council action on the following matter:

**Consider an Ordinance adopting the 2005-2006 Fiscal Year Budgets  
for Murray City, including the Library Fund Budget.**

**Consider an Ordinance amending Section 3.04.020 of the Murray City Municipal Code relating to Capital Projects Appropriations.**

Staff Presentation: Don Whetzel

Mr. Whetzel noted the intent of the staff presentation is to state for the public record the types of in lieu of tax transfers from our major enterprise funds that go to the general fund of the City. The City has three major enterprise funds, water

fund, waste water fund and power fund. There are also two different types of in lieu of tax transfer payments that we make from these enterprise funds to the general fund.

1. The first type, Franchise Tax, amounts to about 6% of the revenue of the particular enterprise fund. The purpose of the enterprise fund is to pay the general fund for the use of the public right-of-ways, this includes all the water lines, sewer lines, power lines, cable tv lines, etc. they branch off onto private property. All private industry such as Questar & Qwest will also pay a similar type of franchise fees to the City.
2. The second type is a property tax which runs between 2.3-2.5% and it represents the amount of property tax that the enterprise fund would pay to the general fund if it were a private individual company.

As far as the numbers are concerned, the water fund has budgeted \$380,000 for payment in lieu of taxes to the General Fund for fiscal '06. Of that amount \$275,000 is for a franchise tax and \$105,000 for property tax.

The waste water fund has budgeted \$280,000 of which \$202,000 is a franchise tax and \$78,000 is for in lieu of property tax payment.

The power fund will pay a total of approximately \$760,000, to the general fund and that is 100% property tax related. The power fund, each individual utility which goes out is a separate line item on there for 6% franchise tax that is collected as a liability by the power department and remitted to the general fund on a monthly bases. It is not in lieu of tax payments, but it is a direct franchise payment. This is very similar to what our residents on the east side. They are on Utah Power & Light system, they pay a 6% tax to Utah Power & Light and monthly Utah Power & Light sends us a check for that particular franchise tax.

Mr. Dredge noted, based on recommendations of City staff, that it would be a good idea this evening to give citizens in the audience a background of the process that we go through to generate the budget. It is a collaborative effort with hours of time spent, by all the City departments and the Budget and Finance Committee, which is made up of the City Council Members.

The process began back in November of 2004 when the Mayor asked the departments to begin compiling requests for funds. The Mayor did an initial review of those requests in a meeting of with the Department Heads. The Department Heads were then asked to rank their requests and make an Oral Presentation to the Mayor. After this presentation the Mayor made some determinations as to which budget requests would be granted or not, and funding levels were set for each department.

A tentative budget was presented to the City Council which in turn was turned over to the Budget and Finance Committee, which is the same body. From that point the Budget and Finance Committee received oral presentations from each department regarding substantiation of why they were requesting the money they were asking for and clarifying question the committee had.

The Budget and Finance Committee then reviewed the requests and made adjustments to the funding levels based on the input which the Committee had and discussions they had with the Mayor and the City Staff. The Budget and Finance Committee adopted its Legislative Budget Intent Document and clarified their on the budget and the items they had set forth. The Committee spend about 13 hours on the process getting it to a point where the Committee we could adopt a tentative budget on May 17, 2005. This evening the Committee is presenting and requesting public input and public comment on the final budget and final draft.

Mr. Dredge recognizes the efforts and the time spent not only by the departments , by Don Whetzel and his staff. The Council appreciates the professional manner in which the information was presented to them.

## **PUBLIC COMMENT**

None

## **PUBLIC HEARING CLOSED**

No comment from Council and will not act on consideration today.

- b. Council consideration of the above matter will be June 14, 2005.

### **Public Hearing #1036**

**7:15 p.m.**

**Consider an Ordinance related  
to the Downtown Historic  
Overlay District; enacts  
Design Review Guidelines.**

- a. Staff and sponsor presentations, public comment and discussion prior to Council action on the following matter:

**Consider an Ordinance related to the Downtown Historic Overlay District;  
enacts Design Review Guidelines.**

Staff Presentation: Mary Ann Kirk

Ms. Kirk thanked the Council for their willingness to work on the Downtown Ordinance. There are a lot of cities in Utah that have design guidelines, but none that they could find any kind of book like the one which you will see tonight. It serves as a vehicle for those who want to understand the Design Guidelines. The State has been so impressed that they have asked us to make a presentation at their State Conference in September. The Committee has gone to great lengths to make it as easy as possible for everybody to make it work.

Ms. Kirk acknowledged Mr. Alan Barnett, Architectural Historian, we have two architects, Jim Allred and Steve Burt, Darrel Jones is a civil engineer as well as Public Service Director in West Jordan, Jaren Soffe representing the Downtown Owners, who has been on P & Z. Coral Juginski is an architectural historian and does a lot for the State. Her knowledge and expertise is incredible. The Committee has been blessed to have her for consultant.

Ms. Kirk noted this ordinance has been in the works for four years. It is detailed and was developed it as if it were for the owner in mind. When an owner pick up the design guidelines or an Architect, they can get the vision of what we are trying to do and gives them some parameters so they know what to do right up front.

Ms. Kirk went through the Table of Contents, of the Design Review. The introduction gives an overview of the philosophy and purpose. Along with evaluation for designations in the area and description of the boundaries, etc.

Ms. Kirk continued, if you have guidelines for both significant and contributing buildings. It covers all the various things that the ordinance allows us to review in the process.

The guidelines also splits out commercial, traditional store fronts, miscellaneous commercial and institutional buildings because Murray has the Carnegie Library and Murray 1<sup>st</sup> Ward. We also have some different types of institutional buildings, and schools that have different storefronts. We treated those slightly different. We have residential buildings also because we have Center Street and Poplar.

Ms. Kirk noted guidelines for additions, are included.

There are guidelines for the demolition of a building which is basically out of the ordinance. There are guidelines for a non contributing building. There are two different types: historic buildings that don't look like it anymore and then you have buildings that are less than 50 years old and those are addressed more with compatibility idea or if there is any historic element of preserving the little bits which are there.



There are also guidelines for new construction. We are not trying to make it look historic, we are not trying to mimic or create a building which looks old. We want it to look new, and need it to be compatible with the area.

At the very end we have the historic overview, architect, glossary and resources.

Ms. Kirk concluded the most difficult element of this whole process was the height. There will be a 3-story limit in the core area and 7-story limit in the transition area.

Ms. Griffiths thanked Ms. Kirk for the fantastic job she has done.

Mayor Snarr thanked her for all she has done. He said it has been a long process, but the results are incredible. Mary Ann, has done a very thorough job and he feels very comfortable with the committee members on the Design Review Board.

Ms. Griffiths wanted to commend Susan Dewey for the quick turnaround on the minutes.

## **PUBLIC COMMENT**

### **Scott Baker, Murray area Chamber of Commerce**

The Chamber wanted to commend Ms. Kirk and her committee, for the most part the committee has worked well with our members. We can never make everyone totally happy, but as a Chambers, thank you.

Mr. Baker asked, once this ordinance is passed, can we have access to it if one of our members call.

Mr. Hill noted the guideline have been distributed through Planning and Zoning, and Parks Administration. The City can give a copy to the Chambers.

Mr. Baker noted they have one of their members who is doing a modification to a building. The member has to go through the Planning and Zoning process. If his building is in the historic district will this guideline add one more additional step.

Ms. Kirk stated yes and that property owners will be educated.

## **PUBLIC HEARING CLOSED**

- b. Council consideration of the above matter to follow Public Hearing.

Ms. Griffiths made a motion to adopt the Ordinance related to the Downtown Historic Overlay District; enacts Design Review Guidelines.

Mr. Robertson 2<sup>nd</sup> the motion

Call Vote Recorded by Mr. Davidson.

**AYE/NAY**

A Ms. Griffiths  
A Ms. Dunn  
A Mr. Dredge  
A Ms. Robertson  
A Ms. Brass

**E UNFINISHED BUSINESS**

None scheduled.

**F. NEW BUSINESS**

1. Consider a Resolution approving an Interlocal Cooperation Agreement between the City and the Murray School District for services provided by the School District's employee with lighting and sound expertise for the City's Park Amphitheater and other like special events.

Staff Presentation: Doug Hill

The City operates an outdoor amphitheater in Murray Park and it is staffed with typically seasonal employees. The seasonal employees have had to run the lighting and sound equipment. It has become more difficult for us to find temporary employees to run the equipment. This year we approached the Murray School District and asked them if they would consider sharing an employee. Their employee works in the Murray High School Auditorium during the school year, but during the summer months he usually goes out and performs ground maintenance.

The School District is willing to share an employee. If you approve this resolution tonight we will use this employee during the summer months between Memorial Day and Labor Day. The school district will bill us for the hours and benefits associated with those hours during the course of the summer. The City will pay the School District for the direct costs.

We see this as a win-win situation for both the City and the School District because their employee is being utilized to his fullest skill level and at the same time we are able to benefit from having a skilled employee working over at the Murray Park Amphitheater. Because it is the school district, it requires an Interlocal Agreement and as a result the City Council has to approve all Interlocal Agreement. Funds are included in the budget and will cost approximately \$6,000 to pay this employee over the next three months.

Ms. Griffiths made a motion to adopt this motion.

Mr. Robertson 2<sup>nd</sup> the motion.

Call Vote Recorded by Ms. Heales

**AYE/NAY**

  A   Ms. Griffiths  
  A   Ms. Dunn  
  A   Mr. Dredge  
  A   Ms. Robertson  
  A   Ms. Brass

Motion passed unanimously.

2. Consider a Resolution approving an Interlocal Cooperation Agreement between the State of Utah, the Department of Administrative Services, and the City providing for City participation in a Consolidated Fuel Network.

Mr. Hill first wanted to thank and recognize George Hamer, who is our fleet supervisor for the City for bringing this information to light. He has done a tremendous job in providing an option for the City that results in a greater benefit and a greater cost savings by this proposal which is being presented tonight.

This is an Interlocal Agreement with the State of Utah. We also have with us tonight Jeff Doan who runs the State Fuel Network. He is also here to answer any questions which you may have about how the program works.

Mr. Hill stated the City has two fueling locations, one at the Power Department and one at the Public Services Complex. The City has owned and operated those fuel tanks and dispensers for years. All of the City operations up until recently have gone to either one of those two operations to get gas either diesel or unleaded fuel. The City has been responsible for all maintenance of those tanks which we have spent from \$2,000 to \$5,000 a year in making sure that they are compliant with all the laws. The City has also assumed all the liability for both tanks, so if they leak the City would be responsible for any environmental clean up or damage resulting from a leak.

Mr. Hill continued, we have also been responsible for purchasing the fuel and tracking the use of that fuel. We have software programs and card reading systems at our dispensers. Mr. Hamer at any time can look up and see what vehicle is getting fuel and how often they are getting it and who is getting it, because our system tracks the employee. There has been a lot of controversy recently about fuel and its abuse, and we have not had that in Murray City because of Mr. Hamer's ability to monitor the system.

The Fire Department said they would like to have other locations available to them to get fuel for their fire trucks. In particular they were interested in getting fuel at the Utah Highway Patrol facility right off of 5900 South and 3<sup>rd</sup> West. Mr. Hamer contacted the State of Utah and made arrangements for the fire department to use the fueling station for their fire trucks. Out of that sprang the idea to become part of the State Fuel Network.

If the Council adopts this Interlocal Agreement, we will be able to take advantage of more than 350 fuel sites, statewide. The State will assume responsibility for the operation and maintenance and liability of our existing fueling system. We will also be able to benefit from the reduced fuel costs because the State is able to purchase fuel at a lower rate because of their volume purchases. The State will charge us a 4% administration fee, which allows us to still pay less money than what we are currently paying for our fuel.

Mr. Hill noted again this is a win-win opportunity. Obviously the State benefits from having us as a part of their network because it provides other entities to be able to use our fueling stations. At the same time, we are able to use other fueling stations that are located throughout the state. There are two other public facilities in our City that we will be able to take advantage of, one is the Highway Patrol Facility, the other one is the Sheriffs Office on Main Street and 4500 South. There are many other private sectors, which generally would not be used because it costs a little bit more, but if employees are away in other cities at a conference, etc. they will be able to access fuel throughout this system.

Mr. Hill continued, we are recommending that this be approved and as soon as possible so that Mr. Hamer will be able to make all the necessary arrangements to get us going. We will be able to take advantage of reporting system the State has, so we still have control of who is using and how often. The state has agreed to allow the Power Department which currently has their tanks and dispensers located in a secured area, to stay behind the secured area because the Power Department had concerns about opening that up to everybody to get down into their secured area.

Mr. Robertson has seen this program work in his line of work.

Ms. Dunn asked how we get reports and how often individual people use other sites.

Jeff Doan noted you can get those reports online. Once you become a member of their network you will be able to log online and see real data, within five minutes of the transaction. You will also have access to download those reports on a daily, weekly or monthly basis.

Ms. Griffiths thinks it is great we can collaborate and all of us benefit from cooperative agreements.

Mr. Doan noted this network has grown. State agencies and Higher Education are required by law to use this agency, That consist of 7,000 active vehicles. This agency has issued 37,000 gas cards to local municipalities, city, towns, counties school districts, etc.

Mr. Robertson made a motion to adopt motion.

Ms. Dunn 2<sup>nd</sup> the motion

Call Vote Recorded by Mr. Davidson.

**AYE/NAY**

  A   Ms. Griffiths  
  A   Ms. Dunn  
  A   Mr. Dredge  
  A   Ms. Robertson  
  A   Ms. Brass

Motion passed unanimously.

Mr. Nakamura wanted the restrictions of the Power Department included in the resolution.

**G.    MAYOR**

1.     Report

Mayor Snarr noted Doug Hill is the Mayor ProTem as of now.

2.     Questions of the Mayor

**H.    ADJOURNMENT**

Recorded by: Carol Heales, City Recorder